

**Minutes of Monthly Meeting**  
**Crystal Lake Township Planning Commission**  
**7:00 PM, October 23, 2024**  
**Grow Benzie, 5885 Frankfort Hwy (M 115), Benzonia MI 49616**

1. CALL TO ORDER

Planning Commission Chairman Greg Wright called the meeting to order at 7:00 pm.

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Bill Northway called the roll:

Present: Commission Chair Greg Wright  
Commission Secretary Bill Northway  
Commission Vice Chair Bill Herd  
Commissioner David Spragens

Also present: Zoning Administrator Tom Kucera  
Recording Secretary Jeannette Feeheley

Visitors who signed the sign-up sheet were:

Tadge Juechter	Sidney Mueller	Jim Larson
Mary Kay Juechter	Michael Mueller	Lena Fox
Terry Frysinger	Pat Beach	Fred McGill
Linda Frysinger	Michael Beach	Ann K.
Kathy Collier	Marilyn Whisner	Abbie Ellsworth
Janet Pearce	Mac Whisner	Michael Musgrave
Ross Hammersley	Kathy Wilson	Neil Brilliant
Tassie Boshier	J.B. Guileen (spelling?)	Ann Kullenberg
Barbara Fisher	Bob Renwick	Karen Wells
Mary Ferons	Dustin Fern	Warren Wells
Patrick Pond	Joe Gentle	
Connie Black-Pond	Katie Larson	

Also attending were Doug Mansfield and Michael Heintzleman.

3. CALL FOR CONFLICT OF INTEREST: None reported.

4. CORRESPONDENCE

Zoning Administrator Kucera reported receiving, since the last meeting, correspondence from the Applicants, the Heintzlemans, responding to questions and assertions raised at the last meeting. He also received communications, all in opposition to Camp Nearby, from Doug James, Fred McGill, Tadge & Mary Juechter, and attorney Ross Hammersley. Connie Black-Pond spoke to say she had also sent another letter and Kucera said it had been received & he apologized for not mentioning it earlier. All letters received are kept in the record by the Zoning Administrator.

5. APPROVAL OF MINUTES OF SEPTEMBER 25, 2024

Wright asked if Commissioners had any corrections to the Draft Minutes. None were offered.

**Wright moved that the Minutes of the September 25, 2024 meeting of the Crystal Lake Township Planning Commission be approved without amendment. Northway seconded. All ayes. Minutes approved.**

## 6. APPROVAL OF AGENDA

Wright asked if Commissioners wanted any changes to the draft agenda. None were offered.

**Wright moved that the proposed Agenda of today's October 23, 2024 meeting be approved. Herd seconded. All ayes. Agenda approved.**

## 7. PUBLIC COMMENTS

Wright asked only for Public Comments unrelated to agenda items as they had already received comments for the past ten months on the proposed Camp Nearby. An unidentified female objected. Wright responded that, after taking public comments at the last Public Hearing, the Commission had advanced to Planning Commission deliberations, after which they recessed. Deliberations of the Planning Commission is where they will resume tonight. An unidentified male said that there had been new information submitted by the Applicants, and asked if the Commission would not be allowing comments on that newly submitted information. Wright confirmed again that tonight there would be no public comment as the Planning Commission is now in the deliberations phase. An unidentified female asked about amending the Ordinance going forward. Zoning Administrator Kucera gave a detailed overview of the procedure involved, including how a request to change an Ordinance can be made, how the reasons proposed for the change should be conveyed, the public hearing process, and the approvals by which a change could be achieved, including the necessity of final approval needed by the Township Board. An unidentified female complained that some of us may not have written a letter for this meeting because she didn't understand this meeting would not be taking additional oral comments, and if she had known, she would have written a letter. Wright said he was sorry about that and that the Commissioners have heard tons of public comment and they are now in deliberations phase.

## 8. REPORTS TO THE COMMISSION

### A. Chair Report:

Chairman Wright read from prepared remarks:

“Welcome everyone and thank you for being here throughout the ten- month review of this application. And thanks to Mike and Elizabeth Hientzlemen and to Doug Mansfield for your very professional and detailed proposal and for hearing comments from the community and revising the proposal based on that feedback.”

Chairman Wright continued:

“Once again, I would also like to recognize the remarkable outpouring of support from the community for our Rural Preservation Zoning (RP) and say few words about how we have approached it since 2010 when the county transferred the responsibility for planning and zoning to the townships. The current master plan was adopted ten years ago with the main thrust being to protect the gateway to Frankfort, Lake Michigan and the Sleeping Bear, as well as the M-115 and River Road corridors. RP Zoning has been in effect since the mid-80s in our county and throughout the region, and has been celebrated for prioritizing environmental issues.”

“Over the last ten years, with Tom Kucera's expertise and the support of the Township Board, we have updated the entire zoning ordinance with a sharp eye on protecting the environment. Of note is a Watershed Overlay Ordinance that will help protect the long-term health of the lake.”

“Crystal Lake Township is also historically important. While the Township once covered more than half of what is now Benzie County, we are now a tiny 16 square miles, that is 4x4 miles, with much of that being waters of Crystal Lake and sensitive lands; the wetlands, the steep hillsides, the lakeshore, riverbanks and sand dunes. It is truly a special place that deserves protection, and has been protected, for much longer than any of us can remember. Just look around! It’s not an accident that we share this nearly pristine environment that we all love.”

“With RP Zoning, there are only two uses by right: Agriculture and Residential. Most everything else goes through the Special Land Use Permit (SLUP) process. In the Casey Road neighborhood, we have permitted two special uses in recent years, both of those under residential ordinances, and one that includes a cottage industry component.”

“While all of technical rules; the setbacks, lot coverage, slopes and such, are critical, there is also a subjective aspect to the SLUP process. That is what gives the Township a great deal of discretion in issuing permits. There, the questions might be, “Does it fit with the vision of the Township as stated in the master plan? Is it in the right place in the Township? What is the impact on the adjacent neighborhoods? Does it preserve the rural character of the Township?”

At this conclusion of his remarks, Chairman Wright asked for the Zoning Administrator Report.

B. Zoning Administrator Report:

Kucera reported the permit applications are up to 40 so far, with 38 approved. He said they are generally for housing, sheds, etc.

C. Zoning Board of Appeals;

Kucera said nothing is currently pending.

9. SHORT TERM RENTAL UPDATE

Kucera reported that the draft Short Term Rental (STR) Ordinance is currently under review by an ad hoc committee of the Township Board of Trustees. He said they put off discussion until November due to a possible electoral change in the makeup of the Board of Trustees. He said that, given the possible change of trustees to the Board, the STR issue probably won’t come up in detail at their November meeting. He said it is possible that the proposed STR Ordinance may be taken up at length at the Township Board’s December meeting.

10. CAMP NEARBY DELIBERATIONS

Kucera had provided to the Commissioners and to the public via the Township Web Site his Staff Report on this matter. He said he has received in the past few days and he has transmitted to the Commissioners an update from Mansfield Consultants containing a review from the Benzie Leelanau Health Department and they are trying to set up meetings. He did get a further Health Department update just today that says they’ve evaluated the site, did some borings, etc., and it appears to the Health Department that the proposed septic is adequate and has suitable soils and proper isolation from the well. He said this communication from the Health Department is not a permit and that a permit will have to be issued, and also a Campground permit which may involve the Michigan Department of Environment, Great Lakes, and Energy (EGLE) regarding Drinking Water, and Health and Environmental matters related to

Campgrounds. Although he's received communications from required agencies, a permit has not been obtained at this time. He said he's also received communication from the Frankfort Fire Department which expressed one concern about a turn in the road for their fire trucks but they feel sure that can be easily remedied. He's also received an update from the Benzie County Building Code and Safety Enforcement Department regarding a Soil Erosion Permit about which they say they are ready to proceed, and that the Applicant can obtain the application for such on their Web Site. He received a review from the Benzie County Road Commission in essence saying that they recognize the site plan and more information will be provided, in other words, the Road Commission permission is pending. As for MDOT, the last communication about MDOT matters was received from Mansfield Consultants back in September and it showed a communication from MDOT that was dated May 21, 2024 that said the proposal would have to be reviewed. Subsequently, he got a communication saying no formal request from Camp Nearby has been made and that traffic impact studies are warranted under certain conditions, including peak hours and traffic generated to be anticipated, which Mansfield said do not pertain to Camp Nearby. The communication says that, due to this data, MDOT has not required a traffic impact study. However, Kucera said that the Planning Commission has required a traffic impact study. He said MDOT will review a formal permit application once one is submitted and will make their determination at that time. That is an update of where we stand. He also just received at the start of the meeting a lighting plan. He said the Commissioners all have a copy of his Staff Report and he will answer any questions from the Commissioners.

Commissioner Herd asked if any of the letters he's received since issuing his Staff Report has caused him to change anything previously issued in his Staff Report. Kucera said not materially, and that many of the permits are still pending.

Chairman Wright said that takes us to deliberations. He asked that everyone present remember that we are all friends and neighbors, that the Commissioners are not professionals, and simply four people appointed by the Township Board to make these decisions. He said they are responsible for getting the facts, listening to the public, and then forming an opinion.

Commissioner Herd said it is really tough for him as he has a background immersed in campgrounds and that nothing protects the environment more than taking kids camping but he's also been involved in Rural Preservation for over 44 years, and this is a very tough decision. He said it is clear the Zoning Ordinance permits a campground if it has ten acres, but it doesn't say what size would be an appropriate campground, so we have to discuss what size campground would fit into that 17 acres and still protect the rural character. Then the applicants would have to decide whether that could be a business. We have to consider whether it's compatible with the neighborhood. He's made lots of calculations he could share later, but this is all he wants to say at this point.

Commissioner Spragens asked if the Commission could go through Tom's Staff Report point by point to deliberate on the items Kucera has raised for us. Wright said yes, let's do so.

Commissioner Spragens then read from prepared remarks:

"I want to speak to the issue of whether or not public opinion is a factor in the Planning Commission's evaluation of a special land use application. Several months ago, recognizing that there was a great deal of public interest in the Camp Nearby application, Zoning Administrator Tom Kucera requested an opinion from the planning and zoning specialist at the Michigan State University Extension for Northern Michigan in regard to

the weight that may be given to public opinion in making a decision on a special land use application.”

Commissioner Spragens continued:

“The response of the planning and zoning specialist, based upon court opinions, was that she could find no weight given to public opinion. This does not mean that correspondence and comments gathered at Planning Commission meetings and the public hearing are not to be taken into consideration. A planning commission’s decision must be supported by “competent, material, and substantial evidence on the record and represents a reasonable exercise of discretion granted by law.”

Commissioner Spragens quoted some Court sayings he found relevant:

“”Substantial evidence is any evidence that reasonable minds would accept as adequate to support the decision; it is more than a mere scintilla of evidence but may be less than the preponderance of the evidence.””

““A decision is an abuse of discretion when it is outside the range of principled and reasonable outcomes.””

““The role of the Court in interpreting statutory language is to ascertain the legislative intent that may be reasonably inferred from the words of the statute.””

““Statutory provisions must be read in the context of the entire act, giving every word its plain and ordinary meaning.””

Commissioner Spragens continued:

“When reviewing applications, there are both non-discretionary and discretionary decisions made. An example of a non-discretionary decision, he said, is whether a required setback has been met by a site plan. The Staff Report prepared by the Zoning Administrator has addressed these matters. Discretionary standards would be left to the Planning Commission.”

“The Staff Report has identified various standards of the zoning ordinance that need to be reviewed and determinations made by the Planning Commission. MCL 125.3504 sets forth the standards required by a zoning ordinance when considering a special land use application. Those standards are in the Crystal Lake Township zoning ordinance in section 14.31.2. These standards are addressed in the Staff Report of the Zoning Administrator, and these will guide our deliberations today.”

At this conclusion of his prepared remarks, Commissioner Spragens asked if his fellow Commissioners wanted him to start reading out loud the items set out by Kucera in his Staff Report in order to begin deliberations on each item. Commissioner Herd volunteered to share that reading with Commissioner Spragens, and offered to begin himself with the first item. Note: The Zoning Administrator’s Staff Report was posted on the Crystal Lake Township Web Site and is also attached in full to these Minutes.

With Commissioners Spragens and Herd reading through each item listed in the Staff Report for Commissioners’ consideration, they and their fellow Commissioners deliberated each one. In some instances, the Commissioners said they felt the Applicant had met certain requirements and in other instances, the Applicant had not met certain requirements. A great deal of discussion and deliberation ensued among the Commissioners, lasting about a full hour as they addressed each item under consideration.

**Upon conclusion of deliberating each item, Commissioner Northway made a motion to approve the proposed Camp Nearby proposal. Commissioner Herd seconded the Motion. Chairman Wright called for a Roll Call Vote:**

- **Northway: No.**
- **Wright: No.**
- **Spragens: No.**
- **Herd: No.**

**The Motion was not approved. The Applicants' Application proposing a certain campground on the former Herban property and to be named Camp Nearby was denied.**

Zoning Administrator then read through the procedure whereby an application that has been denied can be resubmitted but that it cannot be reconsidered for a period of a year unless a waiver is granted, and he listed the conditions under which a waiver can be granted.

Commission Chair then offered the opportunity for attendees to make Public Comments. Ann Kullenberg thanked the Planning Commission for their service, attention and for listening. Tadge Juechter made complimentary comments and said that we have your back. Tassie Bosher thanked the Zoning Administrator as well as the Commissioners.

Chairman Wright called for a recess at 8:24 pm to allow those who wished to leave to do so. Chairman Wright resumed the meeting at 8:32 pm and took up the next item on the agenda.

#### 11. FRANKFORT CRYSTAL LAKE RV RESORT DELIBERATIONS

Chairman Wright said that in August of 2022, a permit was issued that had been requested by the applicant for permission to expand his RV Park under certain conditions. However, that permit expired in one year due to insufficient action by the applicant to put into place the requested permitted changes. The Commission has to give Mr. Mix, the owner, notice at least ten days in advance, that, due to his failure to act upon the permit in a timely manner, the Planning Commission intends to revoke that permit. Tonight, he said he is asking his fellow Commissioners permission to send out that notice to Mr. Mix to revoke his permit at their next meeting. Herd asked whether the applicant could reapply. Chairman Wright answered the applicant can reapply at any time. Kucera clarified that this is not the RV Park's permit to operate but only revoking the permit to expand. An unidentified female asked questions which were answered by Kucera and Commissioners.

**Chairman Wright moved that it is the intent of the Planning Commission to revoke the decision of August 24, 2022, because the Park expansion has not been developed according to the original plan, and this is per section 14.6.12 A, and to so notify the RV Park owner. Northway seconded.** Discussion ensued with Kucera clarifying about six month extensions that might have been involved had the Commission taken notice after one year and the Applicant so asked, but that all time is now up as two years have gone by, and the Park is nowhere near the estimated one third of the expense of the project or of its planned development.  
**A vote was called for. All ayes. Motion passed. Mr. Mix will be notified that the intent to revoke will be taken up at the next Planning Commission meeting.**

12. PUBLIC COMMENTS: None at this time.

13. OTHER BUSINESS: None.

14. ADJOURNMENT: Chairman Wright adjourned the meeting at 8:39 pm.

Respectfully submitted,  
Jeannette Feeheley, Recording Secretary

Attachments:

CLT Plan – PC Staff Review & Report–Camp Nearby-by Zoning Administrator dated 10.16.24  
CLT Plan – Letter from Heintzlemans after Sept. 25 hearing – dated 10.14.24  
CLT Plan – Agency Reviews summarized by Zoning Administrator – email dated 10.22.24  
CLT Plan – SESC Approval 24-10-21  
CLT Plan – Request for Preliminary Review by Mansfield to Public Health Dept. 24-10-22  
CLT Plan – Conceptual Agency Reviews by Mansfield & related emails  
CLT Plan – Attorney letter opposing Camp Nearby 2024-10-22

Next Scheduled Meeting: 7 pm, Wednesday, November 20, 2024  
(the third, not fourth, Wednesday of the month,  
that is, the week BEFORE the week of Thanksgiving)